

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NICOLO FALCONE,

Plaintiff,

v

CITY OF WARREN,

Defendant.

Case No.: 07-10665

Hon. Patrick J. Duggan

Magistrate Judge Michael J. Hluchaniuk

STIPULATED PROTECTIVE ORDER

This matter having come before the Court pursuant to the stipulated agreement of the parties as represented by their undersigned counsel; the Court being otherwise duly advised in the premises; **NOW THEREFORE:**

IT IS HEREBY ORDERED that from this date forward any and all Confidential Documents/Information as defined herein and the contents of said documents shall not be disclosed or used for any other purposes other than for those purposes relating to this suit and as outlined in this Stipulated Protective Order, to protect the confidential nature of this information, as more fully set forth below:

1. Confidential Documents/Information are referred to in this Stipulated Protective Order refer to:
 - a. Any personnel information containing personal or private information regarding Defendant's employees, including but not limited to social security numbers, addresses, telephone numbers, health and dental insurance information, wage and/or financial information;
 - b. Any medical and/or workers compensation information regarding Defendant's employees, including but not limited to information reflecting the nature of any work related or non-work related illnesses

or injuries, policy numbers, type and amount of benefits received or available to each respective employee;

- c. Any documentation prepared or completed or information obtained from employees as part of any leaves of absence due to a work related or non-work related illness or injury, including but not limited to doctor's notes or reports, return to work slips, work restrictions, disability claim statements, injury report statements, injury investigation reports, authorizations for medical treatment or examination, or any correspondence regarding any such work related or non-work related illness or injury.
2. Any and all Confidential Documents produced pursuant to this protective order shall be labeled as "Confidential Document Produced Pursuant to Protective Order."
3. Any and all information reflected in paragraphs (a) and (b) above will be redacted from all documents produced pursuant to this protective order. To the extent that the nature of any medical condition of any employee is referenced within any of the documents produced pursuant to this Protective Order, Defendant will redact the reference to the medical condition and prepare a privilege log as to the redacted information. The admissibility of references to an employee's medical condition will be raised by the parties before the Court as a pre-trial matter. Should the Court deem the medical condition relevant and not confidential or privileged, Defendant will thereafter provide Plaintiff with a version of the exhibit that does not redact the employee's medical condition.
4. Any and all Confidential Documents and their contents or other Confidential Information already in the possession of the parties are to be held in confidence by such party without further disclosure and are to be used solely in conformity with the terms of this Stipulated Protective Order, namely for the purposes of this litigation only.
5. Insofar as any Confidential Documents/Information are provided to a witness or expert witness, the witness or expert witness must be informed of this Stipulated Protective Order and agree to be bound by its terms.
6. Sixty days after the termination of this action by order or judgment, or by an appellate mandate if appealed, the protected documents and any copies thereof will be destroyed or returned to the parties or attorneys who submitted them.
7. This Stipulated Protective Order may be modified by further written stipulation of the parties, through their respective counsel, or by further

order of this Court.

S/Patrick J. Duggan

Patrick J. Duggan

United States District Judge

Dated: October 27, 2008October 27, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 27, 2008October 27, 2008, by electronic and/or ordinary mail.

S/Marilyn Orem

Case Manager

PITT McGEHEE MIRER PALMER
& PALMER, P.C.

KITCH DRUTCHAS WANGER
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DATED: October 22, 2008